

NOTE: This order is nonprecedential.

**United States Court of Appeals  
for the Federal Circuit**

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**OPEN TEXT S.A.,**  
*Plaintiff-Appellant*

**v.**

**BOX, INC., CARAHSOFT TECHNOLOGY  
CORPORATION,**  
*Defendants-Cross-Appellants*

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2015-1392, -1978, -2052

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Appeals from the United States District Court for the  
Northern District of California in No. 3:13-cv-04910-JD,  
Judge James Donato.

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**ON MOTION**

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Before DYK, *Circuit Judge*.

**O R D E R**

Carahsoft Technology Corporation filed at the district court a motion which seeks to correct the district court's order and judgment pursuant to Federal Rule of Civil Procedure 60(a). Carahsoft moves in this court to permit the district court to decide the Rule 60(a) motion. Open

Text S.A. opposes the motion, arguing that Carahsoft's Rule 60(a) motion would be without basis in the law.

The court deems it the better course to grant the motion and for Open Text to raise before the district court its arguments for why the Rule 60 motion should be denied.

This court's relevant Practice Notes state that filing a Rule 60 motion "will deactivate the appeal." Fed. Cir. R. 4 practice notes. Open Text requests that this court deactivate only Carahsoft's cross-appeal and not the respective appeal and cross-appeal of Open Text and Box, Inc. However, Rule 4(a)(4)(B)(i) of the Federal Rules of Appellate Procedure provides that a notice of appeal, filed before the district court disposes of a Rule 60 motion filed by "a party" within 28 days after the judgment (the situation here), becomes effective only when the order disposing of the motion is entered. Because Carahsoft filed such a Rule 60 motion, none of the notices of appeal is effective until the district court disposes of that motion.

Accordingly,

IT IS ORDERED THAT:

(1) The motion is granted.

(2) These appeals are deactivated. Within seven days of the district court's ruling on Carahsoft's pending motion, the parties are directed to inform this court how they believe these appeals should proceed.

FOR THE COURT

/s/ Daniel E. O'Toole

Daniel E. O'Toole

Clerk of Court